

REMARKS

Claims 1-6, 21 and 26-40 are pending in this application. The Office Action rejects claims 1, 5, 6, 8, 9, 12 and 13; objects to claims 2-4, 10, 11, 15, 20, 21 and 26; and withdraws non-elected claims 7, 14, 16-19 and 22-25 from consideration. This Amendment amends the Title; amends claims 1-3, 5, 6 and 21; cancels claims 7-20 and 22-25; and adds new claims 27-40.

The courtesies extended to Applicants' representative by Examiner Stucker during the October 21 & 22, 2003 telephone interviews, and by Examiner Houser during the November 4, 2003 telephone interview, are appreciated. The reasons presented at the interviews as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interviews. Specifically, claims 1-3, 5, 6 and 21 are amended to comply with the Examiners' helpful suggestions made during the interview.

Applicants also thank the Examiner for indicating that claims directed to mutations at position 90 are free of the art of record and contain allowable subject matter.

In view of the foregoing amendments and the following remarks, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

I. Objection to Title

The Office Action objects to the title of the invention as allegedly not descriptive. Applicants respectfully traverse the objection. The currently amended title, "METHOD FOR MEASURING ANTI-PROTEASE RESISTANCE OF HIV-2 IN A PATIENT," clearly indicates the claimed invention. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection.

II. Claim rejection under §112, second paragraph

The Office Action rejects claims 1, 5, 6, 8, 9, 12 and 13 under 35 U.S.C. §112, second paragraph as allegedly vague and indefinite. Applicants respectfully traverse the rejections.

The Office Action alleges that the metes and bounds of the recited "known methods" in claims 1, 5, 6, 8, 9, 12 and 13 are not clear. Amended claims 1, 5 and 6 no longer recite this element. Claims 1, 5 and 6 satisfy the requirements of 35 U.S.C. §112, second paragraph, and claims 8, 9, 12 and 13 are canceled.

The Office Action states that claim 1 is vague and indefinite because it does not recite any specific method steps. Amended claim 1 includes the steps of (i) investigating the presence of a mutation at position 90 of the protein sequence of a protease of a viral strain, and (ii) concluding that a viral strain resistant to an antiprotease agent is present. Thus, amended claim 1 satisfies the requirements of 35 U.S.C. §112, second paragraph.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

III. Claim objections

A. Claims 1-6, 8-13, 15 and 21

The Office Action objects to claims 1-6, 8-13, 15 and 21 for containing non-elected subject matter. Applicants respectfully traverse the objection.

The Office Action's reference to non-elected subject matter appears to be directed at the non-elected mutations outside of the elected mutation at position 90. As suggested by the Examiner during the October teleconferences, present claims 1-6 and 21 are directed to subject matter that includes a mutation at the elected position 90 and do not include non-elected subject matter. Claims 8-13 and 15 are canceled. Accordingly, the objection should be withdrawn.

B. Claims 2-4, 10, 11, 15, 20, 21 and 26

The Office Action objects to claims 2-4, 10, 11, 15, 20, 21 and 26 as being dependent upon rejected claims. In view of the claim amendments and the above remarks, present claims 2-4, 21 and 26 depend from allowable claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection.

C. Claim 7

The Office Action objects to claim 7, noting that it has no part (a). Claim 7 is canceled thus rendering this objection moot.

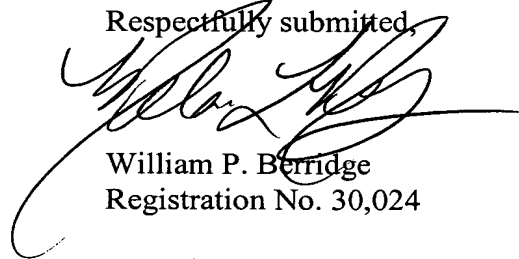
Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-6, 21 and 26-40 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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